

In re Patent Application of
BELL ET AL.

Serial No. 10/719,203

Filed: NOVEMBER 21, 2003

REMARKS

Claims 1-25 remain pending in the application.
Favorable reconsideration is respectfully requested.

I. The Invention

As shown in FIGS. 1-5, for example, the disclosed invention is directed to a mobile data collection system and method that can operate at higher speeds. The system includes a positioning system to generate position and time data, and a down-looking line scan camera for mounting on a vehicle to obtain a series of line scan images of a path, such as a road. A data collection controller is connected to both the positioning system and the line scan camera to associate the line scan images with the corresponding position and time data.

II. The Claims are Patentable

Claims 1-25 were rejected in view of Kimura (US Publication No. 2001/0056326) taken alone or in combination with Satoh et al. (U.S. Patent No. 6,473,678) for the reasons set forth on pages 2 and 3 of the Office Action. Applicants contend that Claims 1-25 clearly define over the cited reference, and in view of the following remarks, favorable reconsideration of the rejections under 35 U.S.C. §102 and §103 is requested.

Each of the independent Claims 1, 11 and 19 includes a positioning system in a vehicle to generate position and time data, a down-looking line scan camera to obtain a series of line scan images of the road, and associating the line scan

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images with corresponding position and time data from the positioning system. It is these combinations of features which are not fairly taught or suggested in the cited references and which patentably define over the cited references.

The Examiner has relied on the Kimura publication as disclosing a positioning system, a camera and a controller to associate images with position and time data. The Kimura publication is directed to a navigation apparatus performing a map matching process to determine the road on which a vehicle is traveling just after passing a fork or on which the vehicle is traveling just after passing the fork.

Applicants maintain that the Examiner has misinterpreted the cited reference. Specifically, Applicants note that the system of Kimura uses a CCD camera but there is no mention of a line scan camera, as claimed in the present application. Indeed, none of the references cited by the Examiner includes a line scan camera and therefore nothing suggests the association of line scan images with the corresponding position and time data as in the present invention.

As discussed in the present application, the present invention provides a more accurate mobile data collection system and method that can operate at higher speeds with the use of a line scan camera and association of line scan images with corresponding position and time data. It is Applicants who discovered the advantages of using line scan images with corresponding position and time data over using conventional CCD area cameras as disclosed in Kimura.

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As the Examiner is aware, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. Also, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim features. The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the Applicants have done.

To support the conclusion that the claimed invention is directed to obvious subject matter, either the reference must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the reference. Both the suggestion to make the claimed combination and the reasonable expectation of success must be founded in the prior art and not in Applicants' disclosure.

There is simply no teaching or suggestion in the cited reference to provide the combination of features as claimed. Accordingly, for at least the reasons given above, Applicants maintain that the cited references do not disclose or fairly suggest the invention as set forth in Claims 1, 11 and 19. Furthermore, no proper modification of the teachings

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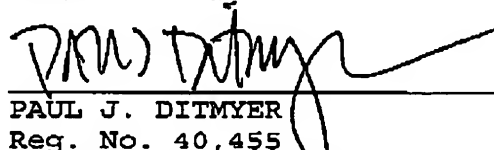
of these references could result in the invention as claimed. Thus, the rejection under 35 U.S.C. §102 and §103 should be withdrawn.

It is submitted that the independent claims are patentable over the prior art. In view of the patentability of the independent claims, it is submitted that their dependent claims, which recite yet further distinguishing features are also patentable over the cited references for at least the reasons set forth above. Accordingly, these dependent claims require no further discussion herein.

III. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. An early notice thereof is earnestly solicited. If, after reviewing this Response, there are any remaining informalities which need to be resolved before the application can be passed to issue, the Examiner is invited and respectfully requested to contact the undersigned by telephone in order to resolve such informalities.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has
been forwarded via facsimile number 703-872-9306 to the
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-
1450 this 28th day of October, 2004.

